

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AMERICAN AIRLINES, INC.,

Plaintiff,

v.

THE CITY OF CHICAGO et al.,

Defendants.

Case No. 25-cv-4874

Hon. Judge Joan H. Lefkow

DEFENDANTS' MOTION TO DISMISS

Defendants the City of Chicago (“City”) and Michael J. McMurray, in his official capacity as Commissioner of the Chicago Department of Aviation (“CDA”), respectfully move to dismiss this action pursuant to Federal Rule of Civil Procedure (“Rule”) 12(b)(7) for failure to join a party required under Rule 19. Alternatively, if the Court does not dismiss the action pursuant to Rule 12(b)(7), Defendants respectfully move to dismiss Counts II and III of the complaint pursuant to Rule 12(b)(6) for failure to state a claim upon which relief can be granted. Defendants also move pursuant to Rule 12(b)(6) to dismiss with prejudice all claims against Commissioner McMurray, a municipal officer sued in his official capacity, as duplicative and redundant of the claims brought against the City. In support of this motion, Defendants incorporate the Memorandum of Law in Support of Defendants’ Motion to Dismiss filed contemporaneously with this Motion.

On July 3, 2025, Plaintiff American Airlines, Inc. (“American”) filed a Motion for Preliminary Injunction and a Motion for Expedited Discovery. Dkts. 40, 44. The City respectfully submits that, because the City’s Motion to Dismiss raises a substantial concern regarding the Court’s jurisdiction to hear this case, and will likely result in dismissal on jurisdictional grounds,

the Court should resolve the City's Motion to Dismiss before considering American's motions. *See Ruark v. Union Pac. R.R. Cos.*, 916 F.3d 619, 630 (7th Cir. 2019) ("A district court . . . must have a wide berth to manage caseloads and dockets."); *Kadambi v. Express Scripts, Inc.*, 86 F. Supp. 3d 900, 902 n.1, 912 (N.D. Ind. 2015) (noting that briefing on preliminary injunction motion was stayed pending resolution of defendant's dispositive motions); *In re Sulfuric Acid Antitrust Litig.*, 231 F.R.D. 331, 337 (N.D. Ill. 2005) (noting that stay of discovery is "often deemed appropriate" where motion to dismiss involves a "threshold" issue "such as jurisdiction").

Respectfully submitted on July 8, 2025.

/s/ Samantha R. Caravello
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Samantha Caravello, an attorney, certify that on July 8, 2025, I caused a true and correct copy of the foregoing document to be electronically filed with the Clerk of Court using CM/ECF, which will serve on all counsel of record.

/s/ Samantha R. Caravello
Samantha R. Caravello